

1648

PATENT

DOCKET NO.: ISIS-2202

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

OCT 07 2002

RECEIVED

In Re Application of:

Phillip Dan Cook

Serial No.: 08/884,873

Group Art Unit: 1648

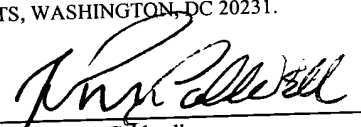
Filing Date: June 30, 1997

Examiner: J. Ricigliano

For: NUCLEOBASE HETEROCYCLIC COMBINATORIALIZATION

DATE OF DEPOSIT: September 27, 2002

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231.

  
TYPED NAME: John W. Caldwell  
REGISTRATION NO.: 28,937

Box ☒ NON-FEE

☐ AF

Assistant Commissioner for Patents  
Washington DC 20231

Sir:

AMENDMENT TRANSMITTAL LETTER

Transmitted herewith for filing in the above-identified patent application is:

- ☐ A Preliminary Amendment.
- ☒ An Amendment Responsive to the Office Action Dated July 2, 2002.
- ☐ An Amendment Supplemental to the Paper filed \_\_\_\_\_.
- ☐ Other: \_\_\_\_\_.

- ☒ Small entity status of this application under 37 C.F.R. 1.9 and 1.27 was established in a previous submission.
- ☐ A Statement Claiming Small Entity Status under 37 C.F.R. 1.9 and 1.27 is enclosed.
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the Patent and Trademark Office.
- ☐ Substitute Pages \_\_\_\_\_ of the Specification are enclosed.
- ☐ An Abstract is enclosed.
- ☐ \_\_\_\_\_ Sheets of Proposed Corrected Drawings are enclosed.
- ☐ A Certified Copy of each of the following applications: \_\_\_\_\_  
\_\_\_\_\_ is enclosed.
- ☐ An Associate Power of Attorney is enclosed.
- ☐ Information Disclosure Statement.
- ☐ Attached Form 1449.
- ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☐ Appended Material as follows: \_\_\_\_\_.
- ☐ Other Material as follows: \_\_\_\_\_.

## FEE CALCULATION

☒ No Additional Fee is Due.

				SMALL ENTITY		NOT SMALL ENTITY	
	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	RATE	FEE	RATE	FEE
TOTAL CLAIMS	11	30 (20 MINIMUM)	0	\$11 EACH	\$0	\$22 EACH	\$
INDEP. CLAIMS	1	3 (3 MINIMUM)	0	\$41 EACH	\$0	\$82 EACH	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$135	\$	\$270	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$	\$110	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$200	\$	\$400	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$475	\$	\$950	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$755	\$	\$1510	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$1030	\$	\$2060	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$ )	minus	(\$ )
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$	\$110	\$
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:							
TOTAL FEE DUE					\$ 0		

☐ A Check is Enclosed in the Foregoing Amount Due.

☐ Petition is hereby made under 37 C.F.R. 1.136(a) to extend the time for response to the Office Action of \_\_\_\_\_ to and through \_\_\_\_\_

comprising an extension of the shortened statutory period of \_\_\_\_\_ month(s).

- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to deposit account 23-3050. This sheet is provided in duplicate.
- ☒ The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to deposit account 23-3050. This sheet is provided in duplicate.
- ☐ The Foregoing Amount Due for Filing this Paper.
- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 C.F.R. 1.16.
- ☒ Any additional patent application processing fees under 37 C.F.R. 1.17 or 1.20(d).

**SHOULD ANY DEFICIENCIES APPEAR** with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: September 27, 2002

  
\_\_\_\_\_  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Phillip Dan Cook

Serial No.: 08/884,873

Group Art Unit: 1627

Filed: June 30, 1997

Examiner: M. G. Baker

TECH CENTER 1600/2900

OCT 07 2002

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For: NUCLEOBASE HETEROCYCLIC COMBINATORIALIZATION

I, John W. Caldwell Registration No. 28,937 certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

On September 27, 2002

John W. Caldwell Registration No: 28.937

Assistant Commissioner  
for Patents  
Washington, D.C. 20231

Dear Sir:

## RESPONSE

This paper is being filed in response to the Office Action dated July 2, 2002. Applicants respectfully request that the following amendment be entered and that the rejection of claims in the application be reconsidered and withdrawn.

## REMARKS

Claims 2-5, 7-12, and 33 were pending and rejected. Upon entry of this amendment, claims 2-5, 7-12, and 33 will be pending. No new matter has been added.

## Rejections under 35 U.S.C. §112, second paragraph

Claim 33 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office further alleges that it is unclear what the specific structure of the compounds of formula I is because the "L" moiety is incompletely defined. Applicants respectfully disagree.